

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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MATTHEW J. CIONI,

Plaintiff,

v.

SAMSUNG CELL PHONE COMPANY,

Defendant.

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ORDER

Case No. 23-cv-302-jdp

Plaintiff Matthew J. Cioni, a prisoner in the custody of the Wisconsin Department of Corrections, has filed a proposed civil complaint. Plaintiff is a prisoner and, therefore, subject to the 1996 Prison Litigation Reform Act. Plaintiff has requested leave to proceed without prepayment of the filing fee, and submitted a monthly inmate transaction statement for April 17, 2023, to support this request. The statement is insufficient to determine whether plaintiff qualifies for indigent status because plaintiff has not submitted an inmate trust fund account statement (or institutional equivalent) for the *six-month* period immediately preceding the filing of the complaint.

For this case to proceed, plaintiff must submit a *six-month* trust fund account statement no later than June 2, 2023. If I find that plaintiff is indigent, I will calculate an initial partial payment amount that must be paid before the court can screen the merits of the complaint under 28 U.S.C. § 1915(e)(2). Thereafter, plaintiff will be required to pay the balance of the filing fee in installments.

ORDER

IT IS ORDERED that plaintiff Matthew J. Cioni may have until June 2, 2023 to submit a certified trust fund account statement for the period beginning approximately November 8, 2022 and ending approximately May 8, 2023. If, by June 2, 2023, plaintiff fails to respond to this order, I will assume that plaintiff wishes to withdraw this action voluntarily. In that event, the case will be closed without prejudice to plaintiff filing the case at a later date.

Entered this 12th day of May, 2023.

BY THE COURT:

/s/

ANDREW R. WISEMAN  
United States Magistrate Judge